

ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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*September 24, 2009*  
*Agenda Item 5.0*

Memorandum

DATE: September 17, 2009  
TO: Congestion Management Agency Board  
FROM: Dennis R. Fay, Executive Director  
SUBJECT: EXECUTIVE DIRECTOR'S REPORT

**Sacramento Report**

I have attached a report from the CMA's Sacramento representative.

**Washington, DC Report**

I have attached a report from the CMA's Washington, DC representative.

**Disadvantaged Business Enterprise Participation**

ACCMA completed the Annual Anticipated DBE Participation Level (AADPL) for federal fiscal year 2009/2010, and will be submitting the attached California Department of Transportation (Caltrans), Exhibit 9B, Local Agency DBE Annual Submittal Form and attachments to Caltrans for approval.

**CMA Board Retreat**

The last CMA Board retreat was held in December 18, 2008. This year the Administration and Legislation Committee has recommended that the Board Retreat be held during the second or third week of December 2009. The following topics were suggested to be included in the agenda: (1) Federal reauthorization; (2) State specific legislation including update on SB 375 implementation and the role CMA will have in its implementation; (3) MTC 101 - to give the Board members a Regional picture of MTC programs and how they relate to the CMA's programs. (4) Strategic Planning – including Regional HOT Lane System; (5) Bike paths, bike trails and promoting biking to work or biking in general as alternative way of transportation; (6) Financial perspectives, recovery rates; and (7) complete streets requirement in California law.

### **American Recovery and Reinvestment Act (ARRA) Discretionary Programs**

The American Recovery and Reinvestment Act (ARRA) included an array of competitive programs that may provide additional funding to transportation projects in the Bay Area. MTC has developed a program matrix (ARRA Discretionary Program Summary, attached), which provides an overview of the various ARRA transportation grant programs, to assist agencies seeking funding. Weekly updates to this matrix are available on MTC's website at: <http://www.mtc.ca.gov/funding/ARRA>

### **Transportation Bond Measure Projects**

I-580 Eastbound HOV Lane Project – The first segment of HOV lane is scheduled to open in September 2009 and a ribbon cutting ceremony will be held in October 2009. The contract for the second segment was awarded to Ghilotti Construction on July 22, 2009 and construction began on August 21, 2009. The design consultant is preparing the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street. Work on the ITS component of the I-580 TMP continued. The CMA is preparing a re-evaluation of the I-580 Eastbound HOV Lane Project for conversion of the HOV Lane to a HOT Lane.

I-580 Westbound HOV Lane Project – The draft Environmental Document was released for circulation on March 25, 2009, the public comment period closed on April 24, 2009 and the Administrative Draft of the Initial Study/Environmental Assessment was submitted to Caltrans in June 2009. The project was split into two smaller construction contracts. The Phase one and the Phase two 65 percent PS&E packages were submitted to Caltrans on September 14, 2009. The CMA and Caltrans have prepared a Programming Change Request to remove the bus ramp from the project scope and to split the project into smaller construction contracts.

I-580/Route 84/Isabel Interchange – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract three, administered by Caltrans was awarded to RGW on July 29. The other two contracts administered by the City of Livermore are under construction.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Environmental and preliminary engineering services are ongoing. The Environmental Document is scheduled for public circulation in October with approval expected in early 2010. The consultant is incorporating Caltrans' comments on the draft Project Report. The North segment 65 percent PS&E submittal package was submitted to Caltrans for review in September 2009. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

I-80 Integrated Corridor Mobility (ICM) Project – The Design Team delivered the 100 percent PS&E (including bid documents) for the Traffic Operations System (TOS) Project #3 to Caltrans on August 31, 2009. The Team delivered the 100 percent PS&E for the TLSP and the 95 percent PS&E for the Adaptive Ramp Metering (ARM) Project #4 to Caltrans in September 2009. The 65 percent PS&E for the Automated Traffic Management (ATM) will be submitted to Caltrans in

October 2009. Traffic Modeling of the I-80 and San Pablo corridors is underway and preliminary results have confirmed benefits in congestion relief due to the Active Traffic Management practices proposed in these combined projects. The Project Change Requests (PCR) and Project Programming Request (PPR) were approved by Caltrans HQ staff in September 2009. Caltrans HQ will submit the revised schedule and split of projects for approval by the California Transportation Commission (CTC) staff in December 2009.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues – The Project Report and Environmental Document are underway and preliminary engineering and environmental technical studies have commenced. A revised Project Report and Environmental Document were submitted to Caltrans on July 27, 2009 for review. A public information meeting in Oakland was held on August 11, 2009. The public circulation of the draft Environmental document is scheduled to begin in October 2009.

### **Status of Corridor Studies/Projects**

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, Grimmer to Route 238 (Mission Blvd), is continuing to work aggressively to complete the project on schedule (November 2009). Contract 3, Route 237 to Grimmer, was awarded on April 7, 2009 to Top Grade and Contract 2, Route 238 to Stoneridge, was awarded on April 17, 2009 to Bay Cities. Both contractors are working aggressively on constructing the civil elements of the projects. Electronic Transaction Consultants (ETC), the System Integrator consultant has submitted the detailed design document for CMA review and comments. The interface with Caltrans TMC, CHP and BATA customer service are underway. The project team is monitoring the contract schedules for a possible “open to traffic” milestone in 2010.

I-580 Traffic Management Plan Project – The Center-to-Center (C2C) Program communication hubs project was awarded to DKS Associates. This communication package will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. The phase I of the Center-to-Center project has been completed. The Software Integration Package was awarded to Irvine Global Consulting (IGC). This project has been completed. IGC will provide the full documentation of the SMART Corridor software including the Tri-Valley and Grand MacArthur ITS related documents by September 15, 2009. The integration has been completed and links between cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors has been provided. These projects are on schedule with the close-out date of September 30, 2009. The project is also installing ramp metering on Grant Line Road, North Flynn Road and Portola Avenue, funded from a MTC grant. The design for the Ramp Metering Project is expected to begin by September, 1 2009. The PS&E is due for completion by December, 2009. The construction and installing of ramp meters is forecast for June 2010.

I-580 Corridor ROW Preservation – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. The Department of Fish and Game provided comments on the biological assessment.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. The CMA is the lead agency for the environmental and design phase for the Airway to Fallon Road auxiliary lane. This lane is included in the I-580 WB HOV Lane Widening Project. ACTIA is the lead agency for the environmental phase for the Fallon to Tassajara Road auxiliary lane segment and has completed the NEPA environmental document. Caltrans has approved the plans and has issued an encroachment permit to allow this work to be combined with the City of Dublin's Fallon Road Interchange Project. A project specific funding agreement between the City of Dublin and the CMA has been completed and a Contract Change Order has been issued to construct the Fallon to Tassajara Road auxiliary lane, construction is scheduled to be completed in October 2009.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that additional studies be prepared to investigate the feasibility of a double HOT lane. A contract change order to install the infrastructure of some of the civil elements of the HOT Lane was issued to the EB HOV project. The CMA is investigating possible alternatives for delivery of the civil elements of the project. A final draft RFP for the system integrator is being circulated for review and comment by the project team.

I-580 Westbound High Occupancy Toll (HOT) Lane: Cost/Revenue and Operations Analysis – The Cost/Revenue and Operations Analysis is underway and scheduled to be completed in January 2010.

I-680/I-880 Cross Connector Project – This project is currently on hold due to a shortage of Caltrans oversight funds.

I-580 Soundwalls: San Leandro – The San Leandro soundwall project contractor began work on June 15, 2009.

I-580 Soundwall Design: Oakland – The 95 percent PS&E for the Oakland soundwall was submitted to Caltrans on August 14, 2009, following incorporation of Caltrans comments.

Caltrans Corridor System Management Plans -The California Transportation Commission requires Corridor System Management Plans (CSMPs) for corridors in which Corridor Mobility Improvement Account and State Route 99 bond funded projects are programmed. The purpose of the plans is to preserve mobility gains from the investments by managing the corridor for highest sustained productivity. The plans identify a corridor management strategy that all jurisdictions, regional agencies, and modal operators along the corridor agree to and that will guide corridor development, operation, and investments from all sources. The plans are based on diagnostics of the causes of congestion and micro-simulation of all strategies, actions and

projects that determine the most effective mix to restore and preserve corridor productivity. The plans also complement and support activities in the Regional Blueprints efforts, compliance with Assembly Bill 32 and Senate Bill 375, and the implementation of the Smart Mobility Framework. The CSMP preparation process is led by Caltrans, MTC and ACCMA (I-80) for four corridors in Alameda County: I-80, I-880, I-580 and SR-24. These CSMPs are due for completion by September 2009. Fact Sheets describing a summary of each CSMP plan and process were provided to ACTAC in their July 2009 meeting and the findings and recommendations will follow at the end of 2009.

Ardenwood Park & Ride Lot Project – The new portion of the Park & Ride Lot opened on July 20, 2009. The Caltrans portion of the Lot was closed at that time for rehabilitation and re-opened on August 18, 2009. All 351 spaces are now available for public use. A sub project is being developed to provide security items, pavement rehabilitation and construct a restroom for AC Transit's use. These sub projects will be completed in October 2009 and a ribbon cutting ceremony will be held at that time.

BART to Warm Springs – Construction began on August 24, 2009. The contractor began clearing for new replacement facilities in Fremont Central Park to clear the way for subway construction spring 2010. A groundbreaking ceremony for the Subway contract work is planned for Wednesday, September 30, 2009, 10 a.m. in Fremont Central Park. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract is nearing completion. Subject to funding, a Request for Qualifications (RFQ) for the LTSS contract may be issued as early as October 2009. Also subject to funding and Right of Way Certification, a Request for Proposals (RFP) may be issued as early as January 2010. LTSS contract award, based on "best value" criteria is expected in the fall of 2010. Depending on the release of the RFQ and RFP, BART will re-evaluate its forecast for the commencement of revenue service to Warm Springs.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor (SVRTC)) – The Final EIS is expected to be circulated in January 2010.

Caldecott Tunnel 4th Bore – The Final Environmental Document for the project is available for review on the project website at: [www.dot.ca.gov/dist4/caldecott/](http://www.dot.ca.gov/dist4/caldecott/). CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC). The CTC approved allocations in May that allow Caltrans to advertise the project and the project was advertised on May 19, 2009. Caltrans has delayed the bid opening from August 11, 2009 to September 29, 2009 to allow additional time for contractors to review bid documents.

Dumbarton Rail Corridor – The administration draft EIS/R is complete and the design is 15% complete. Cost and ridership estimates were revised including information from the EIR/EIS. Cost estimates have increased and ridership estimates have been reduced since 2006. A full funding plan is being sought. A PAC meeting will be held September 25, 2009 to review next steps.

Grand/MacArthur Corridor Transit Enhancements – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor from Eastmont Mall to the Transbay Terminal in San Francisco. The contractor has completed installation of all ITS elements of this project on Grand Ave. Staff is working with the construction manager, S&C Engineers Inc., and the contractor, Ray's Electric, to close-out this project in September 2009.

SMART Corridors Programs – CMA's SMART Corridors partnerships includes 29 public agencies. The CMA provides video and traffic data to the public and to transportations managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. CMA is also assisting the City of Oakland in procuring traffic signal central software to accommodate Transit Signal Priority (TSP) on AC Transits' Rapid Bus on San Pablo Avenue.

Alameda County Traffic Operation Center (TOC) – The CMA is assisting the Alameda County Public Works Agency in the implementation of a Traffic Operation Center (TOC) at the county facilities in Hayward. The TOC would enable county transportation staff to access county traffic signal system and all Closed Circuit TV (CCTV) cameras available to the SMART Corridors Program in real-time.

Webster Street SMART Corridor – CMA in partnership with the City of Alameda is implementing the Webster Street SMART Corridor project. The purpose of this project is to improve traffic and transit operations and safety. The project includes transit and traffic operations and safety improvements and implementation of a Traffic Incident Management (TIM) system through the Webster/Posy Tube connecting the City of Alameda with the City of Oakland where the area trauma center is located. The City of Alameda Public Works Department is coordinating activities with the local fire and police departments. Additional stakeholders on this project are AC Transit, Caltrans, California Highway Patrol and the City of Oakland. The funding for this project has been provided through a variety of local and federal sources totaling \$1.4 million, including a \$340,000 federal Earmark for this corridor provided by the CMA.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the installation of decorative crosswalks. This extended the project completion date to September 2009. All project elements are completed with the exception of median islands which started in May 2009. The median islands design has been completed. Agreements with cities of Oakland and Berkeley regarding the median maintenance have been reached. The encroachment permit was issued by Caltrans on August 20, 2009. The Phase III of this project (median design and landscaping) will start on September 1, 2009 with a completion date of November 1, 2009.

Central Alameda County Freeway System Study – The prioritized Local Alternative Transportation Improvement Program (LATIP) project list and the supporting documentation was distributed to the PAC on August 5, 2009. Local approvals are being sought similar to the

process used for the Financially Unconstrained LATIP and are being scheduled for September 2009. The LATIP is anticipated to be considered by CTC at its October or November 2009 meeting along with the Notice of Intent to Rescind the Freeway right-of-way.

MTC's Lifeline Transportation Program – MTC has released an augmented budget for the STA and JARC funds for the Tier 2 program. A draft, revised program will be presented to the Board for approval in October 2009. The Board will also consider LAVTA's application for small Urbanized Area JARC Funds at the September 2009 meeting. Livermore is the only area in Alameda County that is eligible for these funds. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The BRT TAC meeting was held on September 10, 2009. The approach and schedule for getting the Locally Preferred Alternative and the FEIS/R continue to be the focus of the discussions. The scheduled September 21, 2009, Policy Steering Committee (PSC) meeting is cancelled. The next TAC meeting is tentatively scheduled for October 8, 2009 and the PSC for October 16, 2009.-.

Transportation and Land Use Work Program – At the September meeting, the Board will review the revised budget, which included ACTIA's approved allocation of \$200,000 as well as \$35,000 from MTC's Transportation and Land Use Program. Studies funded with this funding include the City of San Leandro's access study at the BART station and Livermore's Station Area Plan Community Visioning process. Staff also continues to coordinate within the county to determine how to integrate TOD into climate change goals.

Guaranteed Ride Home Program – There are 4,462 employees and 190 employers actively registered in the program. Twenty five new employees and one new employer registered in the past month. Two rides were taken in the past month – one taxi and one rental car. The average cost per taxi trip is \$83.76 and the average trip length is 38.7 miles. The average one-way trip distance for a rental car ride is 48 miles. The average savings for a rental car ride compared to a cab is \$72.80 per ride.

Truck Demand Model – The Task Force met on September 15, 2009. The consultants presented the initial work on origin-destination matrix estimation (ODME). Using the truck data collected as constraints and the existing model truck table as a seed, the ODME adjusts the existing truck table to produce the ODME-adjusted truck trip table, which more closely matches the collected truck counts. The consultants are also working on the trip generation, trip distribution and assignment components of the model. The next Task Force meeting is scheduled for October 20, 2009 at 10:00 a.m.

Update on Climate Action Activities – The next meeting of the Climate Transportation Working Group is scheduled for October 14, 2009 at 10:00 a.m. to discuss multi-modal level of service.

Countywide Transportation Plan/Regional Transportation Plan – The Board approved the revised Countywide Transportation Plan at its June meeting. The final Countywide Plan was printed, distributed and posted on the web at the end of August.

Transportation for Livable Communities – MTC draft guidelines for the Transportation for Livable Communities (TLC) program will be reviewed by MTC's Planning Committee in September 2009, followed by a recommendation for approval by the Commission. Following approval, MTC is expected to issue a Call for TLC Projects the end of this calendar year.

Intensity of Vehicle-Hours of Delay – As requested by the Board, staff estimated the intensity of vehicle-hours of delay based on the 2008 Freeway Monitoring Data collected by MTC. The attached spreadsheet shows the ranking based on the intensity of delay and compares it to total vehicle-hours of delay.

#### **Environmental Documents/General Plan Amendments Reviewed**

Since my last report, no environmental documents, notices of preparation or general plan amendments have been received or reviewed.

#### **CMA Board and Committee Meeting Dates**

Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted. Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

##### CMA Board

October 22, 2009

Nov. 2009 – no meeting  
scheduled

December 3, 2009

January 28, 2010

##### Plans & Programs

October 12, 2009

November 9, 2009

January 11, 2010

February 8, 2010

##### Administration & Legislation

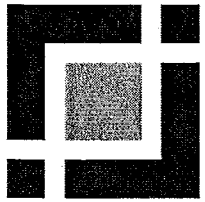
October 12, 2009

November 9, 2009

January 11, 2010

February 8, 2010





# Suter-Wallauch-Corbett & Associates

Government Relations

Attachment 1

September 17, 2009

TO: Dennis Fay, Executive Director  
Alameda County Congestion Management Agency

Christine Monsen, Executive Director  
Alameda County Transportation Improvement Authority

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

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**Endless Session:** While the Legislature adjourned the 2009 Legislative Session at sunrise Saturday, September 12, they will not be gone for long. Policy committee hearings are already scheduled next week the Special Session on education issues, and the League of Cities, CSAC, and the Special Districts Association have made an urgent plea for the Senate to return before the end of the month to the Proposition 1A securitization clean-up bill.

Partisan wrangling over broken promises resulted in the failure of several bills the required a 2/3 vote, which caused session to drag interminably on until sunrise on Saturday morning. Several of these bills are critical to local government budgets and jeopardize the ability to ensure the financing is in place before the state begins to transfer \$2 billion in property tax revenues away from cities, counties and special districts. These include:

**Proposition 1A Securitization Clean-Up:** SB 67 would make changes to the Proposition 1A suspension and securitization provisions of the budget trailer bill adopted in July (AB X4 15) to facilitate the immediate securitization of the Prop 1A receivables, revise the hardship process, enable borrowing from redevelopment agencies, and make other technical alterations. Failure to enact this bill could prevent the California Statewide Communities Development Authority from going to market until February – well after the first shift – and jeopardize the tax exempt status of these bonds, which add nearly \$200 million in interest costs to the state.

**AB X3 37 HUTA Deferrals:** One of the last measures approved Friday evening was AB X3 37 (Evans). This was a last-minute substitute for SB 65 – the fix for the HUTA deferrals that had been negotiated several weeks earlier. While it passed both houses, there is a problem with the implementation date. The budget trailer bill that deferred the Local Highway User Tax Account funds earlier this summer failed to stipulate when those funds would be repaid. AB X3 37

addresses that problem and makes numerous corrections to deferrals in that trailer bill, including the following:

Under SB 65 and AB X3 37 payments delayed in July and August 2009 will be paid in September 2009; payments for November 2009 through March 2010 will be paid on or within two working days of April 28, 2010. The changes also give counties flexibility to use other funds in place of the HUTA dollars during this period, including Proposition 1B revenues. **HOWEVER, AB X3 37 cannot take effect until 90 days after the close of the third extraordinary session, which has yet to close in the Senate. This is a major glitch, and another reason why the Senate needs to return to approve SB 65, which would implement this agreement immediately.**

***SB X3 13 (Alquist) Domestic Violence:*** This bill would have backfilled the line-item veto the Governor made to domestic violence shelters in the Budget by borrowing \$16.3 million from the Alternative and Renewal Fuel and Vehicle Technology Fund.

***No Deal on Water:*** The water package continued to evolve on the final day of session. It started as a multi-bill package with no funding to a single bill with no bonds or fees. For short time a \$12 billion bond proposal was floated, but there was even less support for it. After numerous closed door negotiations with supporters, opponents, and even the Bay Area Caucus, it became clear the votes were not there and the plan was put on hold. Senator Steinberg has requested the Governor to call a special session on water. However, the Governor remains noncommittal about calling another special session on water issues.

***Prison Reform "Light":*** The Senate finally gave up waiting for the Assembly to agree to a prison reform package that would fill the entire \$1.2 billion reduction in the Department of Corrections and Rehabilitation budget and ended up concurring in the smaller deal that the Assembly put together in SB X3 18 (Ducheny). The package includes several components that have been debated in the Legislature for the past few years including: Indexing certain property crime thresholds to reflect inflation; adjusting the methods for calculating inmate time-off credits; altering parole by stipulating that low-and moderate-risk offenders with non-serious, non-violent and non-sex offenses will not be subject to parole revocation; and establishing parole re-entry courts. The package also includes SB 678 (Leno and Benoit), which would create the California Community Corrections Performance Incentives Act of 2009, and establish a system of performance-based funding to support evidence-based practices regarding the supervision of adult felony probationers. Funds for the program would come from costs avoided by the Department of Corrections and Rehabilitation as a result of the incarceration of fewer adult probationers.

***Local Government Bankruptcy Oversight:*** Considerable relief was felt by local governments when Senator DeSaulnier agreed to table his SB 88 to "try to work things out." That measure was an "end of session gut-and-amend" that took the place of the

earlier AB 155 (Mendoza) that would have prevented local governments from filing for bankruptcy without first obtaining permission from the California Debt and Investment Advisory Committee in a lengthy and cumbersome process. AB 155 had been stalled in the Senate Local Government Committee due to insufficient votes.

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## LEGISLATION

The Governor has until October 11<sup>th</sup> to take action on all bills sent to his desk.

Bills	Subject	Status	Client - Position
<u><b>AB 289</b></u> <u><b>(Galgiani)</b></u> High-speed rail.	<p>AB 289 was substantially amended to require the High-speed Rail Authority, to the extent possible, to use the Prop 1A bond proceeds to match federal ARRA funds</p> <p>The bill previously proposed extending the existing CEQA exemption for grade separation projects to high-speed rail grade separation projects.</p>	SENATE RLS. Two-Year Bill	ACTIA-Watch CMA-Watch
<u><b>AB 338</b></u> <u><b>(Ma)</b></u> Transit village developments: infrastructure financing.	<p>AB 338 would allow a city or county to create a transit village infrastructure financing district.</p> <p>AB 338 was not amended to include MTC's suggested amendment to dedicate 10% of the housing funds for units that are fully accessible.</p> <p>For the purpose of financing transit improvements this bill would allow a local agency to establish an infrastructure financing district (IFD) without a public vote. The IFD would dedicate the incremental growth in property tax values to transit improvements. The bill would also require the local agency to dedicate 20% of the increment to low income housing projects within the district. AB 338 does not alter the existing exemption for school funds and the local agency must negotiate with and get the</p>	Governor's Desk	<p>ACTIA- Support &amp; Seek Amendment</p> <p>CMA- Support &amp; Seek Amendment</p> <p>MTC-Support &amp; Seek Amendment</p>

	approval of the other taxing jurisdictions before their share, if any, is dedicated to the IFD.			
<b><u>AB 468</u></b> <b>(Hayashi)</b> Public Employees' Medical and Hospital Care Act: employer contributions.	<p>AB 468 has been sent to the Governor for signing.</p> <p>AB 468 would authorize ACTIA to enact a graduated vesting schedule for Public Employees' Medical and Hospital Care Act (PEMHCA) benefits that specifies no employer contribution for the first five years of service. After five years of service the employer's contribution increases to 50%, and the contribution rate increases 5% per year, with 100% employer contribution after 15 years of service.</p>	Governor's Desk	<p>ACTIA – Sponsor</p> <p>CMA – Support</p> <p>MTC-None</p>	
<b><u>AB 497</u></b> <b>(Block)</b> Vehicles: high-occupancy vehicle lanes: used by physicians.	<p>This bill would allow a physician to use an HOV lane regardless of occupancy requirements when traveling to an emergency call if the car displays an insignie to be developed by the Department of Motor Vehicles.</p> <p>AB 497 failed passage in the Senate Transportation &amp; Housing Committee. The vote was 3-4, with 4 members not voting. The bill was granted reconsideration.</p>	Two-Year Bill	<p>ACTIA – Oppose</p> <p>CMA – Oppose</p> <p>MTC-Oppose</p>	
<b><u>AB 628</u></b> <b>(Block)</b> Vehicles: toll evasion violations.	This bill permits toll roads and bridges operating in California, which already use vehicle identification cameras for recording toll violators, to begin using the same technology for the payment of tolls. This method is in addition to cash, a transponder (e.g., FasTrak), or other electronic toll payment devices that are authorized under current law.	Governor's Desk	<p>ACTIA - Support</p> <p>CMA – Support</p> <p>MTC-Support</p>	
<b><u>AB 652</u></b> <b>(Skinner)</b>	AB 652 creates a pilot program for AC Transit to test the use of bike racks that accommodate three bicycles.	Governor's Desk	<p>ACTIA – Support</p> <p>CMA – Support</p>	

Vehicles: vehicle length limitation.	AB 652 was amended to address a couple issues raised by Caltrans. The amendments address actions of the Route Review Committee when a route is changed, and inserts intent language that mirrors existing law that applies to two position bike racks. The amendments do not include Caltrans' request to complete an engineering analysis of the routes where these racks will be used on 45 foot buses.		MTC-None
<u>AB 672</u> (Bass) Transportation: bond-funded projects: letter of no prejudice.	<p>This bill would establish a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for any project using Prop 1B funds. AB 672 has been approved by the Legislature and it is currently pending on the Governor's desk.</p> <p>If approved by the entity administering the Prop 1B program, the LONP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the project. Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available.</p>	Governor's Desk	ACTIA - Support and Seek Amendments CMA-Support MTC-Support
<u>AB 744</u> (Torrico) Transportation: toll lanes: Express Lane Network.	<p>AB 744 authorizes BATA to finance, construct and operate an express lane network in the Bay Area. The bill establishes a framework for creating corridor working groups that will plan and develop HOT lanes within each corridor.</p> <p>Due to continued opposition from Sierra Club and new opposition from Caltrans engineers, AB 744 has become a</p>	SENATE APPR. SUSPENSE FILE Two-Year Bill	ACTIA - Support In Concept CMA - Support In Concept MTC-Sponsor

<p><b><u>AB 798</u></b> (Nava) California Transportation Financing Authority: toll facilities.</p>	<p>two-year bill and was held on the Suspense File.</p> <p>AB 798 would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams of transportation funds, and toll revenues. The purpose of the Authority is to finance the construction of new capacity or improvements for the state transportation system.</p> <p><i>AB 798 has been amended to include bus projects as well as rail. However, amendments removing the requirement for Bay Area counties to seek approval from MTC prior submitting an application with the CTFA was rejected by the sponsors and the Senate Transportation &amp; Housing consultant. The reasoning was that this requirement is consistent with the regional planning structure in the Bay Area.</i></p>	<p>Governor's Desk</p>	<p>ACTIA - Support and Seek Amendments CMA - Support and Seek Amendments MTC-None</p>
<p><b><u>AB 1175</u></b> (Torlakson) Toll facilities.</p>	<p>AB 1175 makes several changes to the Toll Bridge Seismic Retrofit Program. The bill include the following changes:</p> <ul style="list-style-type: none"> <li>• Adds the Dumbarton and Antioch Bridges into the Toll Bridge Seismic Retrofit Program (TBSRP),</li> <li>• Authorize the Bay Area Toll Authority (BATA) to administratively increase bridge tolls for the purposes of completing these seismic retrofit improvements, to meet bonding obligations,</li> <li>• Requires BATA to provide cash-based option for</li> </ul>	<p>Governor's Desk</p>	<p>ACTIA-Support CMA-Support MTC-Sponsor</p>



	<p>FastTrack customers that does not require customers to provide a name or address,</p> <ul style="list-style-type: none"> <li>• Requires BATA to contract with an independent entity to review privacy issues, and</li> <li>• Repeals BATA's authority to reduce the seismic toll surcharge as a means of encouraging the use of FastTrack.</li> </ul> <p>The bill was previously amended to remove provisions that would allow BATA to submit regional measures to voters for toll increases.</p>			
<p><b><u>AB 1186</u></b> <b><u>(Blumenfeld)</u></b> Employee parking.</p>	<p>AB 1186 is intended to promote the use of the existing "parking-cash-out program."</p> <p>This bill would require a lessor of a building located in a non-attainment area to list parking costs as a separate line item on all lease agreements. This requirement would only apply leases that provide space for 50 or more employees. Unbundling the parking cost would make it easier to offer employees cash in lieu of parking subsidies.</p>	Governor's Desk	<p>ACTIA – Support</p> <p>CMA – Support</p> <p>MTC-Support</p>	
<p><b><u>AB 1386</u></b> <b><u>(Hayashi)</u></b> State highways.</p>	<p>As approved by the Legislature, AB 1386 make several changes to the Local Alternative Transportation Improvement Program (LATIP) for both the Route 238 and Route 84 corridors as follows:</p> <ul style="list-style-type: none"> <li>• Amends existing law to allow the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements</li> </ul>	Governor's Desk	<p>ACTIA – Support</p> <p>CMA – Support</p> <p>MTC-None</p>	

	<p>specified in the LATIP,</p> <ul style="list-style-type: none"> <li>• Specifies that the proceeds from the sale of property is deposited into a special account that AB 1386 creates until it is used to implement a LATIP project,</li> <li>• Allows for local funds to be used to advance a LATIP project and be repaid at a later date with the sale proceeds, and</li> <li>• Repeals the existing housing related provisions for the Rt 238 LATIP, and adds provisions outlining the settlement agreement that is subject to court approval.</li> </ul>		
<u><b>AB 1500</b></u> <u><b>(Lieu)</b></u> High-occupancy lanes: single occupancy vehicles:	<p>AB 1500 has been amended to extend the sunset date by only 3 years from January 1, 2011 to January 1, 2014, on existing law that allows specified types of electric and other zero emission vehicles to use an HOV lane regardless of the number of occupants.</p> <p>Previously AB 1500 proposed to extend the sunset date for 5 years. In addition, the extension does not apply to the existing exemption for hybrid vehicles such as the Prius. The exemption for hybrid vehicles would sunset on January 1, 2011.</p>	<p>SENATE INACTIVE FILE</p> <p>Two-Year Bill</p>	<p>ACTIA-Oppose</p> <p>CMA – Oppose</p> <p>MTC-Oppose</p>
SB 83 (Hancock)  <u><b>SB 205</b></u> <u><b>(Hancock)</b></u> Traffic congestion: motor vehicle	<p>SB 205 was held on the Assembly Appropriations Suspense File. Leadership negotiations between the Senate and Assembly resulted in an agreement to amend the content of SB 205 into SB 83, which was already on the Assembly Floor.</p>	<p>Governor's Desk</p>	<p>ACTIA – Support</p> <p>CMA – Sponsor</p> <p>MTC-Support</p>

registration fees.	As approved by the Legislature, SB 83 would allow any county congestion management agency to place on the ballot a majority vote measure to impose up to a \$10 fee on each vehicle for the purpose of funding congestion mitigation and air quality programs		
<u><b>SB 391</b></u> <u><b>(Liu)</b></u> California Transportation Plan.	<p>SB 391 requires Caltrans to update its state transportation plan by December 31, 2015 and every five years thereafter.</p> <p>This bill also requires the plan to address how the state will meet the transportation infrastructure and mobility needs of California and attain air pollution standards required by federal and state law and achieves greenhouse gas (GHG) emissions reductions needed from the transportation sector.</p>	Governor's Desk	ACTIA – Support CMA – Support MTC-None
<u><b>SB 406</b></u> <u><b>(DeSaulnier)</b></u> Land use: environmental quality.	<p>While SB 205 was held on the Suspense File, SB 406 was approved with amendments. The amendments change how the \$2 vehicle registration fee is imposed, and the amendments add congestion management agencies as eligible recipients for grants.</p> <p>In general the bill authorizes metropolitan planning organizations to request the air district to increase the air quality registration fee by up to a \$2 on each vehicle registered within the district. If the population exceeds 300,000 then all amounts above \$1 must be used for grants to cities, counties and congestion management agencies for planning and projects related to implementing a regional blueprint plan. In the Bay Area, the resolution requesting the surcharge must be adopted by both MTC</p>	Governor's Desk	ACTIA-Support and Seek Amendments CMA - Support If Amended MTC- Support and Seek Amendments

	and ABAG.  This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council (PAAC). The PAAC currently consist of representatives from cities, counties, and regional agencies that are appointed by the Director of the Governor's Office of Planning & Research. The PAAC assists OPR in the development State's Environmental Goals and Policies Report. SB 406 would significantly change the composition of the PAAC members and assign additional duties to the PAAC, such as coordinating regional blueprint plans.		
<u><b>SB 425</b></u> <u><b>(Simitian)</b></u> Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	<p>SB 425 was held on the Senate Appropriation's Suspense File.</p> <p>SB 425 precludes employers subject to the Parking Cash-Out Law from claiming a deduction for employee parking unless all employees are offered a parking cash-out program that complies with the Parking Cash-Out Law. In addition, the bill allows employers to claim a tax credit for costs incurred during the taxable year for commute reduction expenditures, such as vanpools and transit passes.</p> <p>In order to eliminate fiscal impacts, SB 425 was amended to reduce the cost of the PCOL tax credit by changing how the credit is applied and simultaneously creating a new tax credit for commute reduction expenditures. While the bill allows for a commute reduction tax credit of 80% of the</p>	<p>SENATE APPR. SUSPENSE FILE</p> <p>Two-Year Bill</p>	<p>ACTIA-Support CMA-Support</p> <p>MTC-Support &amp; Seek Amendments</p>

	cost, the credit is limited to about \$170 per year.			
<b><u>SB 455</u></b> <b>(Lowenthal)</b> High-speed rail.	<p>SB 455 is on the Assembly Floor and could be sent to the Governor this year.</p> <p>This bill makes numerous technical changes to operational practices of the High Speed Rail Authority, such as the ability acquire property and expend funds. The bill also makes the following more substantive changes to the HSRA:</p> <ul style="list-style-type: none"> <li>• Requires the Governor's appointees to be confirmed by the Senate</li> <li>• Requires preparation of a publicly adopted project schedule and a detailed assessment of delivery milestones.</li> <li>• Establishes criteria for making investments in Phase 1 projects to include: <ul style="list-style-type: none"> <li>• enhanced rail access to stations and terminals, with priority given to those serving the largest employment centers;</li> <li>• improving travel times and service for existing commuter and intercity rail services; and</li> <li>• improving connections to the San Joaquin Valley from the Bay Area or Southern California.</li> </ul> </li> </ul>	ASSEMBLY INACTIVE FILE  Two-Year Bill	ACTIA-Watch CMA-Watch	
<b><u>SB 535</u></b> <b>(Yee)</b> Vehicles: high-occupancy vehicle lanes.	<p>SB 535 has been amended to narrow the scope and potentially the impact of a new a new class of vehicle that would be eligible for stickers exempting that vehicle from HOV lane occupancy requirements.</p>	ASSEMBLY INACTIVE FILE  Two-Year Bill	<p>ACTIA-Oppose CMA-Oppose</p> <p>MTC-None (MTC removed its Oppose</p>	

	As amended, an HOV lane exemption sticker would be available starting January 1, 2011 for a partial zero-emission vehicle and have a fuel economy rating of 65 miles per gallon. This "sticker" program would commence after the Prius sticker program sunsets. The 65 mph sticker would sunset on January 1, 2015 and it would be limited to 65,000 stickers.		position at the July 10 Legislative Committee meeting.)
<b>SB 728</b> <b>(Lowenthal)</b> Air pollution: parking cash-out program.	<p>SB 728 is another bill that attempts to add teeth to the Parking Cash-out Program. This bill would authorize the cities, counties, and air districts to adopt a local ordinance and penalty to ensure employers comply with the program.</p> <p>Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees)</p> <p>SB 783 has been approved by the Legislature and it is currently awaiting action by the Governor.</p> <p>This bill requires the HSRRA to adopt the business plan and submit the plan to the Legislature by January 1, 2012 and every two years thereafter. The Plan must address the following issues:</p> <ul style="list-style-type: none"> <li>• Include the most recent patronage forecast to identify high, medium and low ridership.</li> <li>• Prepare alternative financial pro formas for different levels of service.</li> <li>• Identify supplemental funding sources to augment</li> </ul>	Governor's Desk	ACTIA- Support CMA – Support MTC-Support
<b>SB 783</b> <b>(Ashburn)</b> High-speed rail.		Governor's Desk	ACTIA-Watch CMA – Watch

	<p>the bond funds.</p> <ul style="list-style-type: none"> <li>• Identify agreements to public or private entities to fund components of the project.</li> <li>• Identify alternative public-private development strategies.</li> <li>• Hold at least one public meeting on the business plan.</li> </ul>		
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**MEMORANDUM**

**TO:** Dennis Fay  
Alameda County Congestion Management Agency  
**FROM:** CJ Strategies  
**RE:** Legislative Update  
**DATE:** September 16, 2009

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**Surface Transportation Reauthorization**

The current surface transportation authorization law (SAFETEA-LU) expires on September 30. House Transportation and Infrastructure Committee Chairman Jim Oberstar's (D-MN) top priority has been to pass a new six year bill before the current authorization expires. Chairman Oberstar is opposed to an extension and is continuing to move ahead with a long-term bill, arguing that a short-term extension does not offer states the same funding certainty that a long-term authorization achieves. However, the House and Senate will likely have to pass some time of short-term extension before the start of the new fiscal year. This short-term extension will likely address a provision in SAFETEA-LU that would require states to return any funds not spent by September 30.

The Senate leadership continues to say the full Senate will take up legislation that would extend the current authorization for 18 months and include a transfer of almost \$20 billion from the general fund to the Highway Trust Fund (HTF). The legislation would transfer \$7.3 billion from the general fund to repay the HTF for money taken out over the years for emergency spending. The Senate bill would also reimburse the trust fund on interest it has not been paid since 1999. To make up for the lost interest payments, the legislation transfers \$7.7 billion from the general fund to the highway account and \$4.8 billion to the mass transit account.

In July, Congress transferred \$7 billion from the general treasury to keep the HTF solvent through the end of this month.

**Climate Change**

Senate Action has again been postponed. Majority Leader Harry Reid (D-NV) has called off his September 28 deadline for all committees to markup their pieces of the bill. He suggested earlier this week that Climate Change may be delayed until 2010 because of a packed legislative agenda with health care and financial regulatory reform taking top priority.

However, Senators Boxer (D-CA) and Kerry (D-MA) continue to say they will release a bill by the end of September. Senator Carper (D-DE) continues to push for transportation funding in a Senate bill.

As you are aware, the House passed legislation in June (H.R. 2454) that would cap greenhouse gas emissions and set up a market-based trading program for companies to meet the cap. The House-passed bill makes transit a limited eligible expense under a state energy grant program, but it fails to provide a guaranteed transit investment.

### **Appropriations**

The Senate continued debate on its Transportation HUD appropriations bill today. Leaders hope to finish the bill today, but debate could continue into Thursday. The Transportation Department would receive \$75.8 billion in total funding, which is 5 percent more than the Obama administration requested and 13 percent more than in fiscal 2009. \$41.1 billion would go to the Federal Highway Administration which is a one percent increase from 2009, and nearly \$10.5 billion would go to transit programs. Once the Senate passes the bill, conferees will begin negotiations with the House.

The House-passed bill currently includes two Congestion Management Agency priorities:

- \$1,000,000 for I-580 Corridor Improvements
- \$500,000 for the Union City Intermodal Station

TO: Mr. Arthur Duffy  
Caltrans District 4  
District Local Assistance Engineer

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The Alameda County Congestion Management Agency (ACCMA) submits our AADPL information. We have established an AADPL of 5.18% (1.16 % Race Neutral; 4.02% Race Conscious) for the Federal Fiscal Year 2009 /2010, beginning on October 1 and ending on September 30.

### Methodology

Title 49 CFR Section 26.45 provides five options for determining the Base Figure or percentage of the overall federally funded contracts that should go to DBEs if there was a level playing field. ACCMA selected *use of DBE directories and Census Bureau data* as defined in the Caltrans Local Assistance Procedures Manual (LAPM), Chapter 9, Section 9.7 for guidance in developing the AADPL.

#### Step 1

- Determine the Market Area  
After examining relevant available evidence, ACCMA identified the local market area as 1) the area where substantial majority of the contractors and subcontractors with which ACCMA does business is located, and 2) the area which ACCMA spends the substantial majority of its contracting dollars. The local market area is the 9-county Bay Area including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties.
- Use applicable North American Industry Classifications System Codes for work categories to be awarded  
(See Table 1)
- Obtain total number of establishments listed in the market area using the County Business Patterns database  
We use the 2006 Census Bureau's County Business Pattern (CBP) database, to determine the number of ready, willing and able businesses available in the market area that performs work in the same North American Industry Classification System codes. We then divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in our market area.
- Obtain total number of DBE & UDBE businesses located within the market area using the California Unified Certification Program database

Table 2: Includes all of the anticipated NAICS Codes for FFY 2009/2010. For each anticipated NAICS Code and work category, the table lists the DBE availability, % of total funding, and the weighted DBE availability.

The DBE availability for each NAICS code was calculated using the following formula:

$$\text{Base Figure} = \left[ \frac{\sum \text{No. of DBEs in a Work Category}}{\text{No. of All firms in NAICS code in same Work Category}} \times \text{Weight} \right] \times 100$$

The resulting weighted availabilities were then added together to derive a base figure. The base figure is therefore 5.21 percent for overall AADPL. Race Neutral = AADPL – RC Portion. (5.18% - 4.02% = 1.16%), see Table 2.

#### Step 2

In this step, we reviewed the relevant evidence (see table 2 on page 7) to determine whether an up or down adjustment from the base figure is needed. ACCMA has determined that the Census data and the UCP DBE database represent a realistic number of contractors that could potentially bid on these contracts. Based on this information, no adjustment needed of the overall AADPL base figure. The AADPL base figure will remain at 5.18 percent as established in Step 1.

#### **Disadvantaged Business Enterprise Liaison Officer (DBELO)**

Liz Brazil  
1333 Broadway, Suite 220  
Oakland, CA 94612  
Tel: (510) 350-2333  
Fax: (510) 836-2185  
E-mail: [lbrazil@accma.ca.gov](mailto:lbrazil@accma.ca.gov)

#### **Planned Race-Neutral Measures**

ACCMA plans to implement the following Race-Neutral measures during the FFY 09/10: 1) participating in DBE workshops and outreach efforts, targeting minority, women, local and small business participation, 2) publishing all contracting opportunities on the ACCMA website ([www.accma.ca.gov](http://www.accma.ca.gov)), 3) hold mandatory pre-bid meetings, when necessary 4) assist women, minority, local and small businesses with bonding and insurance, when necessary, 5) mass emailing DBE's notices of procurements, and 6) ensure compliance to prompt payment specifications.

The DBE Liaison Officer will also assist prospective contractors to identify DBE firms that are ready, willing, and able to subcontract.

#### **Prompt Pay**

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage, kept by the prime contractor or subcontractor, to a subcontractor. (see Attachment A)

49 CFR Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause, with the local agency's prior written approval. Please briefly describe the monitoring and enforcement mechanisms in place to ensure that all subcontractors, including DBEs, are promptly paid.

Dennis R. Fay  
(Signature )

8-25-09  
Date

Dennis R. Fay, Executive Director  
(510) 836-2560  
Alameda County Congestion Management Agency

\_\_\_\_\_  
(Signature of Caltrans District Local Assistance Engineer [DLAE])

\_\_\_\_\_  
Date

Distribution: (1) Original - DLAE  
(2) Signed copy by the DLAE - Local Agency

DBE Annual Submittal Form (04/01/08)

## (Attachment A)

**Prompt Payment of Withheld Funds to Subcontractors**

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☐ **Method 1:** No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ **Method 2:** No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☒ **Method 3:** The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Table 1

Contract	NAICS Code	Type of Work	\$ Amount of Total Contract	% of Total Fed-Assisted Contracting	Project Manager
<b>180 Rail Corridor Study Project</b>					Beth Walukas
1	Planning	541990 Other professional, scientific and technical services	\$ 735,000	6.24%	
<b>180 Rail Corridor Study Project Total</b>			<b>\$ 735,000</b>	<b>6.24%</b>	
<b>Berkeley-Oakland-San Leandro Corridor Enhancement Project</b>					Beth Walukas
2	Planning, Environmental, Preliminary Engineering	541620 Environmental Consulting Services	\$ 450,000	3.82%	
<b>Berkeley-Oakland-San Leandro Corridor Enhancement Project Total</b>			<b>\$ 450,000</b>	<b>3.82%</b>	
<b>I-80 Gilman Project</b>					Beth Walukas
3	Environmental	541990 Other professional, scientific and technical services	\$ 200,000	1.70%	
		541620 Environmental Consulting Services	\$ 1,100,000	9.34%	
<b>I-80 Gilman Project Total</b>			<b>\$ 1,300,000</b>	<b>11.04%</b>	
<b>ITS Project - Electrical Field Technicians</b>					John Herniup
4	Field Equipment Management	238210 Electrical Contractor and other wiring services	\$ 250,000	60.98%	
<b>ITS Project - Electrical Field Technicians</b>			<b>\$ 250,000</b>	<b>2.12%</b>	
<b>ITS Project - Communications Systems</b>					John Herniup
5	Field Communication Management	518210 Data Processing, Hosting and Related Services	\$ 200,000	48.78%	
		517410 Telecommunications	\$ 210,000	1.78%	
<b>ITS Project - Communications Systems</b>			<b>\$ 410,000</b>	<b>3.48%</b>	
<b>LOS Monitoring Project - Traffic Data Analysis</b>					Beth Walukas
6	Traffic Data Analysis	541990 Other professional, scientific and technical services	\$ 170,000	100.00%	
<b>Los Monitoring Project - Traffic Data Analysis</b>			<b>\$ 170,000</b>	<b>1.44%</b>	
<b>I580 EB HOT Lane Project</b>					Ray Akkawi
7	System Integrator	541990 Other professional, scientific and technical services	\$ 6,300,000	84.00%	
		238210 Electrical Contractor and other wiring services	\$ 1,200,000	16.00%	
<b>I580 EB HOT Lane Project</b>			<b>\$ 7,500,000</b>	<b>63.69%</b>	
<b>Webster Street SMART Corridor Project</b>					Cyrus Minoofar
8	Construction	238210 Electrical Contractor and other wiring services	\$ 850,000	88.54%	
		237310 Construction	\$ 110,000	0.93%	
<b>Webster Street SMART Corridor Project</b>			<b>\$ 960,000</b>	<b>8.15%</b>	
<b>Total FY 2009/2010 Federally-Assisted Contracting:</b>			<b>\$ 11,775,000</b>	<b>100.00%</b>	

Table 2

NAICS Code	Type of Work	All Firms	DBE Firms	DBE Availability	Dollar Amount	% of Total Funding	Weighted Availability
541990	Other professional, scientific and technical services	525	23	4.38%	\$ 7,405,000	62.89%	2.76%
541620	Environmental Consulting Services	296	32	10.81%	\$ 1,550,000	13.16%	1.42%
238210	Electrical Contractor and Other wiring services	1677	42	2.50%	\$ 2,300,000	19.53%	0.49%
237310	Construction	183	85	46.45%	\$ 110,000	0.93%	0.43%
518210	Data Processing, Hosting and Related Services	616	29	4.71%	\$ 200,000	1.70%	0.08%
517410	Telecommunications	17	0	0.00%	\$ 210,000	1.78%	0.00%
Total FY 2009/2010 Federally-Assisted Contracting:					\$ 11,775,000	100%	5.18%

NAICS Code	Type of Work	All Firms	UDBE Firms	UDBE Availability	Dollar Amount	% of Total Funding	Weighted Availability
541990	Other professional, scientific and technical services	525	18	3.43%	\$ 7,405,000	62.89%	2.16%
541620	Environmental Consulting Services	296	25	8.45%	\$ 1,550,000	13.16%	1.11%
238210	Electrical Contractor and Other wiring services	1677	34	2.03%	\$ 2,300,000	19.53%	0.40%
237310	Construction	183	58	31.69%	\$ 110,000	0.93%	0.30%
518210	Data Processing, Hosting and Related Services	616	21	3.41%	\$ 200,000	1.70%	0.06%
517410	Telecommunications	17	0	0.00%	\$ 210,000	1.78%	0.00%
Total FY 2009/2010 Federally-Assisted Contracting:					\$ 11,775,000	100.00%	4.02%

Alameda  
Contra Costa  
Marin  
Napa  
San Francisco  
San Mateo  
Santa Clara  
Solano  
Sonoma

RC      RN  
2009/10 AADPL Component Component  
5.18%      4.02%      1.16%





## ***Altamont Project Recent Progress***

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- The Altamont Corridor Partnership Working Group which includes the Alameda County Congestion Management Agency, MTC, BART and ACE reached consensus on the corridor limits and key features of the Project Description (refer to attached maps)
- The Project Description was presented to the High Speed Rail Authority at its May, 2009 board meeting; supporters of the Altamont Project spoke in favor at the meeting
- The Authority and the San Joaquin Regional Rail Commission (owner/operator of the existing Altamont Commuter Express service) signed a Memorandum of Understanding to formalize their mutual efforts to develop the Altamont Corridor as a joint-use regional rail line



## ***Altamont Project Current Activity***

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- The Federal Railroad Administration (FRA) has agreed to serve as Lead Agency (with FTA as a Cooperating Agency) for a project-level EIS/EIR
- The High Speed Rail Authority is considering including the Altamont Corridor in its application to FRA for funding of environmental and engineering work under “Track 2” of FRA stimulus funding of High Speed Rail
- The Authority Board will convene on Wednesday, September 23<sup>rd</sup> to review the American Recovery and Reinvestment Act (ARRA) application; interested parties are urged to submit letters of support to the High Speed Rail Authority and FRA





## ***Altamont Project Next Steps***

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- Work is underway on a Notice of Intent / Notice of Preparation to serve as a formal notice of initiation of project-level environmental clearance and engineering work
- Planning is underway for a series of Scoping Meetings later this fall in various Bay Area and northern San Joaquin County locations
- The project team will be providing input to BART and the Tri Valley Policy Advisory Committee to inform the environmental process now underway for the Livermore BART Extension to provide a future connection between the Altamont Corridor Project and BART in the vicinity of Livermore



# ***Altamont Corridor Project Background***

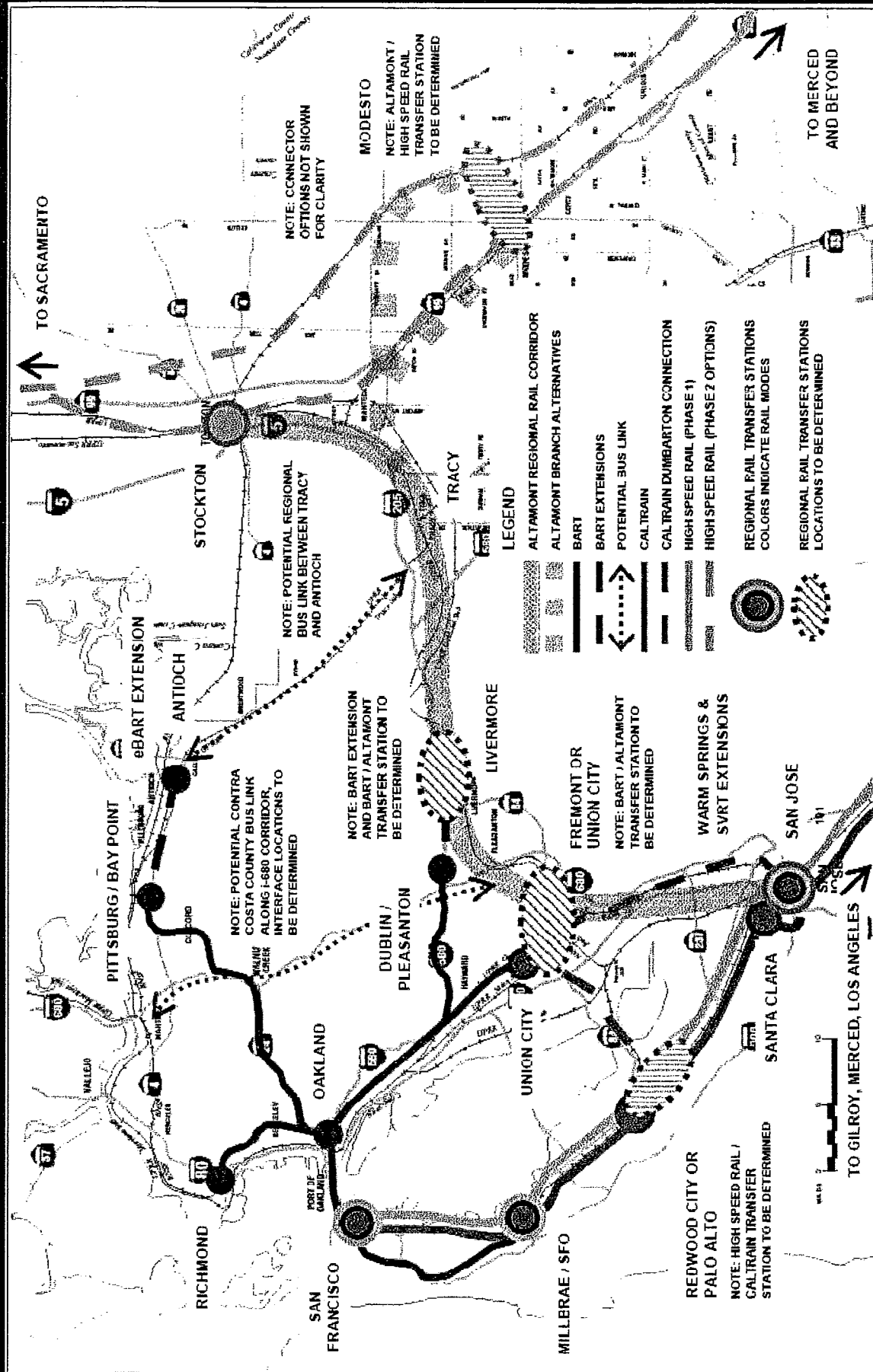
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- Bay Area Program Level EIS identified Altamont Pass corridor to be pursued as an independent project to satisfy different purpose and need from statewide HST system but would accommodate HST service
- The Authority established a Working Group representing interested parties to identify a potential “joint-use” project in the Altamont Corridor
- The Altamont Corridor will go forward with support from a regional partner – San Joaquin County Council of Governments / San Joaquin Regional Rail Commission / Altamont Commuter Express
- Altamont Corridor Project will interface with BART to provide access to Oakland, Oakland Airport, greater East Bay and San Francisco





# Altamont Connectivity



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### Comparison of Top Ten Most Congested Corridors in Alameda County by Intensity of Delay and Total Vehicle Hours of Delay (VHD)

Rte	Period	Location	Length (mile)	Dur Start	Dur End	Total VHD	Intensity of Delay (Total VHD/mile)	Modified Rank based on Intensity (VHD/mile)	MTC published rank based on total VHD
I-880 NB	AM	North of West Grand Ave. to I-80	0.3	6:05	9:20	1370	4567	1	13
I-80-WB	AM	Powell Street to Bay Bridge	2.10	5:36	10:15	7800	3714	2	1
SR 92-EB	PM	Clawiter Rd. to I-880	1.90	15:07	19:35	3200	1684	3	5
I-580-EB	PM	I-580/I-680 I/C To North Livermore Ave.	3.54	15:05	18:35	5250	1483	4	2
I- 880 SB	PM	At Decoto Rd / Rte 84	0.57	15:15	19:00	660	1158	5	25
I-580-WB	AM	Crow Canyon Rd. to I-580/I-238 off-ramp	2.20	6:15	10:00	2530	1150	6	7
I-580 WB	PM	Strobridge Ave. to I-238	0.7	14:15	18:25	670	957	7	24
I-580-WB	AM	I-205 To Airway Blvd/Rte 84	5.88	6:00	9:35	4240	721	8	3
I-580 EB	PM	Rte. 24 To Coolidge Ave & MacArthur Blvd to Rte.13	1.0	16:25	18:25	710	710	9	22
I-680 SB	AM	Bernal Ave. to Castlewood Dr.	0.4	7:00	8:00	270	675	10	36
I-80-WB	PM	Gilman St. to MacArthur Maze	3.50	15:00	18:50	2230	637	11	9
I-80-EB*	PM	East of Sterling St. on-ramp to east of Powell St.	5.90	15:06	19:24	3530	598	13	4
I-80-WB*	PM	MacArthur Maze to 5th St. in San Francisco	5.75	16:45	19:00	3020	525	15	6
SR 24-EB*	PM	I-580 to Camino Pablo Rd.	6.60	16:00	18:45	2500	379	19	8
I-880-NB	PM	Decoto Rd. to Tennyson Rd.	6.64	15:15	18:30	1990	300	22	10

Source: 2008 Freeway Congestion Monitoring Data from MTC

\*- These segments are located in two counties

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